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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII  
1132 Bishop Street, Suite 250  
Honolulu, Hawaii 96813

hib\_3015-1val (12/09)

Debtor Name: Melquiades Richard Ewa, Jr.

SSN (last 4 digits):

5064

Case No.:

11-00267

Address: 92-831 Makakilo Drive, #37

Jt Debtor Name: Maria Lourdes Ewa

(if any)

Address (if not  
same as above):

SSN (last 4 digits):

5166

Chapter 13

**CHAPTER 13 PLAN MOTION TO VALUE COLLATERAL; NOTICE OF DEADLINE TO OBJECT**

Secured Creditor (name and address):  
WELLS FARGO AUTO FINANCE  
P.O. BOX 29704  
Phoenix AZ 85038-9704

Account No.  
[at least last 4 digits]

9001

Collateral (if real property, state address or tax map key; if vehicle, state Vehicle I.D. No., Year, Make, Model, Mileage):  
2004 LEXUS RX330

VIN NO. JTJGA31U840019932 MILEAGE: 133,782

☐ If checked, subject property is debtor's principal residence.

Date debt incurred: SEPT., 2006

Total amount creditor(s) claim as secured: \$ 17,920

Debtor's valuation: \$ 14,950

Value based on: KELLEY BLUE BOOK

Chapter 13 Plan proposes treating this claim as secured to the extent of:

(Balance of claim to be treated as general unsecured claim unless plan states otherwise.)

\$ 14,950

☒ If checked, valuation may arguably be contrary to the Bankruptcy Code under 11 U.S.C. § 1325(a).

Pursuant to 11 U.S.C. § 506(a) and Fed. R. Bankr. P. 3012, Debtor moves to value the above-described property and to modify the rights of the above-named creditor under 11 U.S.C. § 1322(b)(2). Based on the allegations stated below and in any supplemental documents, Debtor requests that the court make the valuation stated above. Debtor further requests that the valuation supersede any amount asserted as secured in the creditor's proof of claim. Debtor alleges the following security interests in the subject property.

Creditor (by seniority) / Nature of interest (e.g., mortgage, judgment, vehicle loan)

Balance due – good faith est.

WELLS FARGO AUTO FINANCE / VEHICLE LOAN

\$ 17,920

\$

\$

\$

### NOTICE

NOTICE IS HEREBY GIVEN that this motion filed by the Debtor(s) concerns your interest in the above-described Property and is related to the Chapter 13 Plan being proposed by the Debtor(s), a copy of which should have been sent to you separately.

**Your rights may be affected.** You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to approve the proposed treatment of your claim, or if you want the court to consider your views on the motion, then you or your attorney must file an **Objection to Confirmation of Chapter 13 Plan not later than 7 days before the confirmation hearing date, or 21 days after the filing of this motion, whichever is later.** Your objection will be considered at the confirmation hearing.

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the deadline stated above. Responses must be filed with the court at: **United States Bankruptcy Court, District of Hawaii, Suite 250, Honolulu, HI 96813**, and sent to the moving party at the address in the upper left corner of this document.

If you or your attorney do not file a timely objection, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief requested by the Debtor(s). The determination made in such an order will supersede any security interest stated in a proof of claim that you have filed or will file.

### ADDITIONAL NOTICE OF PROVISION ARGUABLY CONTRARY TO BANKRUPTCY CODE

☒ IF CHECKED, FURTHER NOTICE IS GIVEN that one or more provisions in the proposed Chapter 13 Plan may arguably be contrary to the Bankruptcy Code. If so, the court may grant the motion to value collateral and confirm the plan **only** if you accept the treatment of your claim under the plan. **If you do not want to accept the plan, you must file a timely objection to this motion and the plan.** If you do not file a timely objection, you will have accepted the plan. If the court enters a confirmation order, the plan's provisions will be binding on you and the Debtor(s).

- ☐ The plan provides that you will NOT retain your lien in the subject property until paid in full under nonbankruptcy law or until a discharge is issued to the Debtor(s).
- ☐ The plan provides for less than full payment of a debt that (1) is secured by a purchase money security interest in the motor vehicle described above and (2) was incurred within 910 days preceding the date of the filing of the bankruptcy petition.
- ☐ The plan provides for less than full payment of a debt that (1) is secured by a purchase money security interest in the property described above and (2) was incurred within 1 year preceding the date of the filing of the bankruptcy petition.

Dated: 2/2/2011

/s/ GREG DUNN

Signature

(print name if original signature)

## 2003 LAND ROVER

Body Type	VIN	W.B.	Wt.	List	Auction Value Fair Good	Whls. Lending	Sug. Retail
HSE7 Spt Ut 4D	TR144	100	4630	41995	5925	6875	7925
Rear Jump Seats					375	375	375
Air Conditioning, Rear					250	250	250
Dual Moon Roofs					675	675	675
Suspension Pkg					550	550	550
<b>RANGE ROVER 4WD—V8—Truck Equipment Schedule T3</b>							
HSE Sport Util 4D	MB114	113	5379	71865	9625	10950	12250
<b>2004 LAND ROVER — SAL(NY222)—4—#</b>							
<b>FREELANDER AWD—V6—Truck Equipment Schedule T3</b>							
SE Sport Utility 4D	NY222	101	3488	25995	3625	4350	5225
SE3 Spt Util 2D	NY222	101	3638	28195	3825	4550	5425
HSE Sport Util 4D	NE222	101	3690	28995	4575	5400	6275
<b>DISCOVERY 4WD—V8—Truck Equipment Schedule T3</b>							
S Sport Utility 4D	TL194	100	4576	34995	4175	4950	6000
SE Sport Utility 4D	TY194	100	4576	39250	5800	6725	7850
SE7 Spt Util 4D	TW194	100	4576	40350	6075	7050	8175
HSE7 Spt Util 4D	TP194	100	4630	41250	7125	8200	9325
G4 Sport Utility 4D	TL194	100	4630	42250	7225	8300	9425
Rear Jump Seats					400	400	400
Rear Air Conditioning					250	250	250
Dual Moon Roofs					700	700	700
Suspension Pkg					600	600	600
<b>RANGE ROVER 4WD—V8—Truck Equipment Schedule T3</b>							
HSE Sport Util 4D	ME114	113	5379	72250	12200	13800	15250
Westminster Util	MH114	113	5379	84700	15650	17600	19050
Luxury Pkg					950	950	950

## LEXUS

## 1996 LEXUS — JT6(HJ88J)—T—#

LX 450 4WD—6-Cyl.—Truck Equipment Schedule T3							
Sport Utility 4D	HJ88J	112	4971	47995	4725	5550	5925

## 1997 LEXUS — JT6(HJ88J)—V—#

LX 450 4WD—6-Cyl.—Truck Equipment Schedule T3							
Sport Utility 4D	HJ88J	112	4971	48945	5525	6425	6900

## 1998 LEXUS — JT6(HT00W)—W—#

LX 470 4WD—V8—Truck Equipment Schedule T3							
Sport Utility 4D	HT00W	112	5401	55445	7300	8375	8875

## 1999 LEXUS — JT6(HF10U)—X—#

RX 300 4WD—V6—Truck Equipment Schedule T3							
Sport Utility 4D	HF10U	103	3900	34980	4550	5350	5800
2WD	G				(475)	(475)	(475)

LX 470 4WD—V8—Truck Equipment Schedule T3							
Sport Utility 4D	HT00W	112	5401	56400	9175	10450	11100

## 2000 LEXUS — JT6(HF10U)—Y—#

RX 300 4WD—V6—Truck Equipment Schedule T3							
Sport Utility 4D	HF10U	103	3900	35680	5275	6150	6725
2WD					(550)	(550)	(550)

418

See Pages 4-5 for Value Definitions

0111A

## 2000 LEXUS

Body Type	VIN	W.B.	Wt.	List	Auction Value Fair Good	Whls. Lending	Sug. Retail
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HT00W	112	5401	59500	10700	12150	12850
<b>2001 LEXUS — JTJ(HF10U)—1—#</b>							
<b>LX 300 4WD—V6—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HF10U	103	3924	37430	6275	7250	7875
Silversport Edition					175	175	175
2WD					(600)	(600)	(600)
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HT00W	112	5401	61950	12600	14250	15000
<b>2002 LEXUS — JTJ(HF10U)—2—#</b>							
<b>LX 300 4WD—V6—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HF10U	103	3924	37580	7450	8550	9500
Coach Edition					250	250	250
2WD	G				(650)	(650)	(650)
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HT00W	112	5401	63051	14600	16450	17550
<b>2003 LEXUS — JTJ(HF10U)—3—#</b>							
<b>LX 300 4WD—V6—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HF10U	103	3924	38800	8850	10100	11200
2WD	G				(700)	(700)	(700)
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	BT20X	110	4675	45500	13200	14900	16050
Third Row Seat					775	775	775
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HT00W	112	5590	63700	18050	20300	21500
<b>2004 LEXUS — JTJ(HA31U)—4—#</b>							
<b>LX 330 4WD—V6—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HA31U	107	4065	39195	13250	14950	16150
Dynamic Cruise					375	375	375
Performance Pkg					2350	2350	2350
2WD	G				(750)	(750)	(750)
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	BT20X	110	4740	45700	15650	17600	18850
Third Row Seat					800	800	800
<b>LX 470 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	HT00W	112	5590	64800	21800	24400	25700
<b>LINCOLN</b>							
<b>1998 LINCOLN — 5LM—(U28L)—W—#</b>							
<b>NAVIGATOR 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	U28L	119	5557	43300	1850	2400	2825
Air Conditioning, Rear					125	125	125
2WD	7				(450)	(450)	(450)
<b>1999 LINCOLN — 5LM—(U28L)—X—#</b>							
<b>NAVIGATOR 4WD—V8—Truck Equipment Schedule T3</b>							
Sport Utility 4D	U28L	119	5557	43800	2450	3050	3525
Air Conditioning, Rear					150	150	150
2WD	7				(500)	(500)	(500)

See Back Pages For Truck Equipment 419